

Etan Leibovitz  
83-19 141<sup>st</sup> #207  
Briarwood, NY 11435

January 29<sup>th</sup>, 2025

**FILED**

**01/29/2025 04:19 PM  
in the Clerk's Office  
U.S. District Court,  
EDNY, Brooklyn  
Pro Se Office via  
Electronic Portal**

Honorable Lois Bloom  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, N.Y. 11201

Re: Michael Berg's Response Letter – Valentin Order  
Docket Entry #69 Etan Leibovitz v. Nicole Procida et al,  
No. 24 Civ. 4779 (AMD) (LB)

Dear Judge Bloom,

I respectfully submit this letter to notify the Court that I am in receipt of the above-referenced letter from Assistant Attorney General Michael Berg (“Michael Berg”) and to document my efforts to engage in good-faith discussions regarding the statements made at the bottom of page 1 and the top of page 2 (Docket Entry #69), specifically:

**“Pursuant to the Valentin Order, OAG communicated with the New York State Office of Court Administration, Counsel’s Office, and the Special Response Team. Based on those communications, it is our understanding that no SRT court officers transported Plaintiff from the courthouse to the 102nd Precinct police station on November 15, 2022.”**

On January 29<sup>th</sup>, 2025, I attempted to contact Michael Berg by phone and left a voicemail requesting a return call. I then followed up with an email at 2:21 PM, reiterating my request for clarification. At 2:33 PM, Michael Berg responded via email stating:

“Mr. Leibovitz,

No thank you. I will not discuss my attorney work product. If your complaint survives defendants’ motions to dismiss, you will have an opportunity to take discovery regarding any issues on which you seek clarification.

Regards,

Michael A. Berg  
Assistant Attorney General  
Office of the New York State Attorney General  
28 Liberty Street, 17th Floor  
New York, N.Y. 10005  
(212) 416-8651  
[michael.berg@ag.ny.gov](mailto:michael.berg@ag.ny.gov)"

At 2:57 PM, I replied to Michael Berg, stating in part:

"Dear Mr. Berg,

I appreciate your prompt response. However, I am confused by your statement, as I have attached two documents that substantiate that I was, in fact, taken to the 102nd Precinct on November 15, 2022. Additionally, my sworn Declaration (Docket Entry 54), specifically Averments #125 - #151, affirms this fact under oath. Furthermore, this is corroborated by the time-stamped audio file from November 15, 2022, which is included as Docket Entry 56-6. Please review the attached documents (see Sergeant's signature and command), and let me know how you wish to proceed in light of this evidence. I look forward to your response.

Best regards,

Etan Leibovitz"

At 3:07 PM, Michael Berg replied:

"Mr. Leibovitz,

In response to your inquiry, I wish to proceed by preparing State Defendants' reply in support of their motion to dismiss and opposition to your Rule 11 motion. Your factual inquiries can await clarification in discovery, should the case get that far. Until the motions are decided, please do not contact me unless required to do so by the Court's rules, e.g., to request an extension of time.

Regards,

Michael A. Berg  
Assistant Attorney General  
Office of the New York State Attorney General

28 Liberty Street, 17th Floor  
New York, N.Y. 10005  
(212) 416-8651  
michael.berg@ag.ny.gov "

Given Michael Berg's continued refusal to engage in a good-faith discussion or acknowledge clear and objective evidence—including Michael Zebro's Complaint Information, which bears the sergeant's name and signature (Sgt. Rojas, Tax Registry No. 943926, Command: 102<sup>nd</sup> Precinct in Queens), as well as the Online Booking System Arrest Worksheet, which also bears the sergeant's name and signature by Sgt. Rojas (Tax Registry No. 943926, Command: 102<sup>nd</sup> Precinct in Queens)—his statement to the Court is demonstrably false. As a result, I have no choice but to file another motion for sanctions pursuant to Federal Rule of Civil Procedure 11, as Micahel Berg's actions constitute a continued misrepresentation of material facts in violation of his obligations under the Federal Rules of Civil Procedure and the duty of candor to the tribunal.

Respectfully submitted,

*Etan Leibovitz*

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